WP(C) 2785/2007

BEFORE

THE HON'BLE MR JUSTICE B.K. SHARMA

Heard Mr. A.B. Siddique, learned counsel for the petitioner as well as Mr. N. Bora, learned CGSC.

By means of this application, the petitioner has prayed for setting aside and quashing of the Annexure-I transfer order dated 1.5.2007, by which, he has been transferred from BRPL, Bongaigaon to ONGC, Nazira. BY the said transfer order many others have also been transferred. Thus, apparently the transfer and posting has been made as a routine affair.

Learned counsel for the petitioner submits that the wife of the petitioner is seriously sick and she requires constant attention of the petitioner. He submits that the petitioner is in need of one year breathing time. On the other hand, Mr. Bora, learned CGSC submits that transfer being an incident of service and the petitioner being a member of disciplined force, the plea of the petitioner is unsustainable.

I have considered the submissions made by the learned counsel for the parties and as agreed to by them, I dispose of the writ petition at the motion stage itself. Having regard to the limited scope to interference in the matter of transfer exercising writ jurisdiction and in absence of any plea of violation of statutory rules and/or malafide exercise of power towards issuing the impugned order dated 1.5.2007 writ Court would be reluctant to interfere with the impugned order. However, it appears that the petitioner has submitted Annexure-III representation dated 9.5.2007 making a grievance against the order of transfer. In the representation he has mentioned about his difficulty to carry out the order of transfer.

Considering the above, I disposed of the writ petition providing that the respondents shall dispose of the representation as expeditiously as possible. Mr. Bora, learned CGSC submits that the respondents would be in a position to dispose of the representation of the petitioner within 15 days from today.

The respondents shall dispose of the representation dated 9.5.2007 (Annexure-III) as expeditiously as possible. Till then, status quo as regards the posting of the petitioner shall be maintained.

Writ petition is disposed of.